

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:98CV394**

**CALVIN R. LUCKEY, and wife PEGGY )  
G. LUCKEY; THEODORE BALLARD, )  
JR.; FLOYD J. BOWMAN; WILLIE J. )  
BURT, JR.; CLEMENT KEENE, and )  
wif BARBARA JO DEATHERAGE )  
KEENE; JUDY HORNE MARTIN, )  
Individually and as Executrix of the )  
Estate of Ray E. Martin, Deceased; )  
GENE A. SHIRES, and wife HELEN )  
SHIRES; JACKSON J. SMITH, and )  
wife CAROLYN S. SMITH; JOHN )  
WESLEY SMITH, and wife BETTY M. )  
SMITH; ROGER FRANKLIN THOMAS, )  
and wife ELLA SHINN THOMAS; )  
DONNIE BAILEY; HAZEL S. BOONE, )  
Individually and as Executrix of the )  
Estate of Billy H. Boone, Deceased; )  
RAYMOND L. MOORE; HAZEL B. )  
MULLIS, Individually and as )  
Executrix of the Estate of Jerry R. )  
Mullis, Deceased; JIMMY W. NEAL, )  
SR., and wife DOREEN K. NEAL; )  
JOHN A. NOBLE, III, and wife )  
WENDY ROBIN HASTINGS NOBLE; )  
J. AUBREY SAUNDERS, and wife )  
GEORGIA SMITH SAUNDERS; )  
ROGER D. SMITH, and wife MARGIE )  
P. SMITH; WILLIAM E. SMITH; )  
WALTER D. THOMPSON; RONNER )  
BYERS, and wife FRANCES W. )  
BYERS; RICHARD ALLEN JONES, )  
and wife JUDY ANN FINK JONES; )**

TONY E. ROGERS, and wife )  
 PATRICIA LaDONNE C. ROGERS; )  
 KENNETH G. SMITH, and wife )  
 MARGARET SMITH; DAVID R. )  
 TURNER; DAVID R. WHITESIDE, SR., )  
 and wife LINDA L. WHITESIDE; )  
 VICTOR E. YOUNT; SYLVIA L. )  
 JOHNSON, Executrix of the Estate of )  
 Clarence Luckey, Sr., Deceased; )

Vs. )

**ORDER**

A. W. CHESTERTON, INC.; )  
 CLEAVER BROOKS; CROWN CORK )  
 & SEAL COMPANY, INC.; FOSTER )  
 WHEELER CORPORATION; )  
 GEORGIA-PACIFIC CORPORATION; )  
 NORTH BROTHERS, INC.; )  
 OWENS-ILLINOIS, INC.; RAPID )  
 AMERICAN CORPORATION; D. B. )  
 RILEY CORPORATION, f/k/a Riley )  
 Stoker Corporation, and CBS )  
 CORPORATION, f/k/a Westinghouse, )

Defendants. )

**THIS MATTER** is before the Court on receipt of the parties'  
 responses to the Court's December 15, 2006, Order.

Plaintiffs' counsel advises that all claims for Plaintiff Margaret A.  
 Bigham, individually and as Personal Representative for the Estate of  
 Rothelle E. Bigham, have been resolved, settlement funds from the

Defendants have been received, and this Plaintiff may be dismissed from the action.

**IT IS, THEREFORE, ORDERED** that all claims for Plaintiff Margaret A. Bigham, individually and as Personal Representative for the Estate of Rothelle E. Bigham, as to all the Defendants named herein are hereby **DISMISSED WITH PREJUDICE**. The case caption is hereby amended on this Order to reflect the disposal of these claims.

Signed: January 12, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

